

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAYSI LOPEZ,

Plaintiff,
v.

Case No. 08-CV-123

ST. JOHNS COMMUNITIES INC.
and ANN MOORE,

Defendants.

ORDER

On February 4, 2008, plaintiff Daysi Lopez (“Lopez”), filed a *pro se* complaint naming St. Johns Communities Inc. (“St. Johns”) and Ann Moore (“Moore”) as defendants. The complaint alleges that while Lopez was employed at St. Johns, Moore and other employees discriminated against her on the basis of her Hispanic ethnicity. Plaintiff paid the filing fee for this action on the same day that she filed her complaint. However, no answer to the complaint or other pleading by any party has been subsequently filed. It appears that as of the date of this order, the defendants have not been served with a summons and complaint.

Rule 4(m) of the Federal Rules of Civil Procedure states the following:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

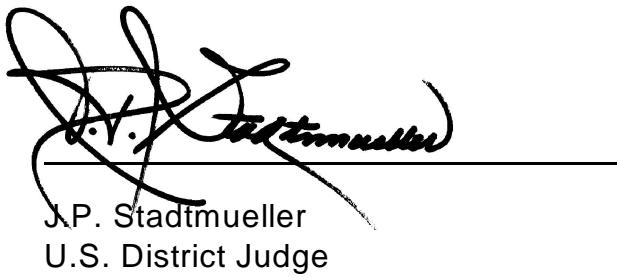
Fed.R.Civ.P. 4(m). The period to serve the summons and complaint on each defendant expired on June 3, 2008, 120 days after Lopez filed her complaint. Accordingly, Lopez shall have twenty (20) days from the date of this order to provide good cause for the failure to timely serve each defendant with a summons and complaint. If Lopez does not provide good cause for failing to timely serve defendants, the court will dismiss the complaint without prejudice pursuant to Federal Rule of Civil Procedure 4(m) and Civil Local Rule 41.1.

Accordingly,

IT IS ORDERED that plaintiff shall have twenty (20) days from the date of this order to provide good cause for the failure to timely serve each defendant with a summons and complaint; if no good cause is provided, the court will dismiss this action without prejudice.

Dated at Milwaukee, Wisconsin, this 16th day of December, 2008.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge